

Attorney Docket No.: PENN-0065
Inventors: Wolfe and Fraser
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said sequence being operatively linked to a [selected] promoter
capable of expressing the selected DNA sequence during a latent
infectious state.

REMARKS

Claims 1-9 are pending in this application. Claims 1-9 have been rejected. Claim 1 has been amended. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the amendment and the following remarks.

I. Objection to the Specification and Rejection of Claims 1-9 under 35 U.S.C. §112, first paragraph

The specification has been objected to under 35 U.S.C. §112, first paragraph, as failing to provide an enabling disclosure. As acknowledged by the Examiner, Applicants have shown that biologically active β -glucuronidase can be expressed when the DNA sequence for the enzyme operatively linked to the LAT promoter contained in an HSV vector is administered by corneal abrasion. However, the Examiner suggests that it is not apparent from the disclosure that the method would sufficiently deliver a gene to the central nervous system such that the host would receive a benefit from such delivery. Claims 1-9 have been rejected under 35 U.S.C.